

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

REGINALD SMITH,

Plaintiff,

v.

LINDQUIST & TRUDEAU, INC. and
ROBERT J. "R.J." WELLS,

Defendants.

Case No. 4:04CV868 HEA

ORDER

This matter is before the Court on Defendant's Second Motion for Sanctions [#44], which was filed on April 19, 2006. Defendant requested that this Court, pursuant to Rule 11(b) of the Federal Rules of Civil Procedure, sanction Plaintiff for his failure to comply with this Court's September 16, 2005 Order, which required Plaintiff to comply with Defendant's discovery requests or show cause as to why Defendant's requests were outside the purview of the Federal Rules of Civil Procedure.

On May 2, 2006 this Court addressed Defendant's second motion for sanctions and *again* ordered Plaintiff to comply with Defendant's discovery requests. The Court specifically stated that failure to comply with the Order within five days "shall result in a dismissal of the matter without prejudice." To date, Plaintiff has failed to

comply with Defendant's discovery requests and has failed to comply with this Court's Order.

Accordingly,

IT IS HEREBY ORDERED that Defendant's Second Motion for Sanctions [#44] is granted; this matter is dismissed without prejudice.

Dated this 30th day of May, 2006.

A handwritten signature in cursive script, reading "Henry Edward Autrey", with a long horizontal flourish extending to the right.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE